

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Richmond Division

JOSEPH J. DICK, JR.

Petitioner,

v.

Civil Action No.: 3:10cv00505

HELEN FAHEY, CHAIRPERSON
OF THE VIRGINIA PAROLE BOARD,

Respondent.

NOTICE OF DECISION OF THE VIRGINIA SUPREME COURT

By Order and Memorandum Opinion issued June 14, 2011, this Court granted the petitioner's motion to stay his federal habeas corpus proceedings, and ruled the federal action would be held in abeyance pending resolution of the state habeas corpus proceedings.

By order entered February 28, 2011, the Circuit Court for the City of Norfolk denied and dismissed the petitioner's habeas petition as barred by the state habeas corpus statute of limitations, Virginia Code § 8.01-654(A)(2). (Circuit Court No. CL10-5111).

The petitioner appealed that judgment to the Supreme Court of Virginia. That court, by order entered September 19, 2011, refused the petition for appeal, finding "no reversible error" in the judgment of the habeas circuit court's ruling. (VSC Record No. 110986). The time for filing a petition for rehearing of the judgment of the Virginia Supreme Court has now passed.

The respondent has attached a copy of the order of the Virginia Supreme Court to this Notice.

The respondent awaits further Order of this Court.

Respectfully submitted,
Chairperson of the Virginia Parole Board,
Respondent

/s/ _____

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CERTIFICATE OF SERVICE

On October 18, 2011, I electronically filed this Notice of Decision of the Virginia Supreme Court with the Clerk of Court by using the CM/ECF system, which will then send a notification of such filing (NEF) to the following: Rebecca A. Worthington, Esquire, SQUIRE, SANDERS & DEMPSEY (US), LLP, 1200 19th Street, NW, Suite 300, Washington, DC 20036, counsel for the petitioner.

/s/ _____

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VIRGINIA:

CRIMINAL LITIGATION SECTION
OFFICE OF THE ATTORNEY GENERAL

*In the Supreme Court of Virginia held at the Supreme Court Building in the
City of Richmond on Monday the 19th day of September, 2011.*

Joseph J. Dick, Jr.,

Appellant,

against Record No. 110986
Circuit Court No. CL10-5111

Helen Fahey, Chair,
Virginia Parole Board,

Appellee.

From the Circuit Court of the City of Norfolk

Upon review of the record in this case and consideration of the argument submitted in support of and in opposition to the granting of an appeal, the Court is of opinion there is no reversible error in the judgment complained of. Accordingly, the Court refuses the petition for appeal.

A Copy,

Teste:

By:

Patricia L. Harrington, Clerk

Deputy Clerk

